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UNCLAS SANTIAGO 002588

SIPDIS

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E.O. 12958: N/A

TAGS: MARR MOPS PREL PHSA CI

SUBJECT: BLUE MARLIN AND SBX-1 TRANSIT UNEVENTFUL, CHILE
GRANTS SOVEREIGN IMMUNITY FOR THE SBX-1

REF: A. SANTIAGO 02525

1B. STATE 225552

1C. SANTIAGO 02348

1D. STATE 195512

11. The Blue Marlin, carrying the SBX-1 radar array (ref D), cleared Chilean waters the morning of December 18. The passage was uneventful and occasioned no press coverage. On December 17, as it passed the Chilean port of Punta Arenas, the vessel offloaded the body of a Blue Marlin crewmember who died of an apparent heart attack December 14, while the ship was in international waters. Chilean officials supervised the removal of the body and conducted a brief investigation while the Blue Marlin remained underway.

12. Post received diplomatic note No 19721 from the Ministry of Foreign Affairs, Special Policies Directorate, on December 19. The note stated that the GOC had no objection to the transit of the Blue Marlin and SBX-1, and recognized the sovereign immunity of the SBX-1 as United State Government property. (Post Note: This broad grant of immunity to U.S. government property would seem to set a useful precedent for future requests. End Note.) Full text in Spanish and English translation follow.

Begin text:

REPIBLICA DE CHILE Ministerio de Relaciones Exteriores
No. 19721

El Ministerio de Relaciones Exteriores - Direcci"n de Pol!tica Especial - saluda muy atentamente a la Honorable Embajada de Estados Unidos y tiene el honor de acusar recibo de su Nota Nx 329, mediante la cual se anuncia el paso por el Estrecho de Magallanes de la motonave "Blue Marlin", que transporta un Radar de Banda X con Base Marina (SBX-1), el que durante su trayecto no estar operativo.

Sobre el particular, este Ministerio se complace en informar que el tr nsito de este equipo no presenta objeciones para las autoridades nacionales competentes. Asimismo, la Direcci"n de Pol!tica Especial se permite hacer presente que mientras el mencionado equipo se encuentre a bordo del nav!o Blue Marlin se reconoce la condici"n de propiedad del Gobierno de los Estados Unidos de AmOrica y, por lo tanto, est sujeto a inmunidad de jurisdicci"n.

Asimismo, la Armada de Chile inform" que ha dispuesto otorgar las facilidades del caso, incluyendo el pilotaje en el Estrecho de Magallanes y una escolta naval en la misma zona.

Por otra parte, este Ministerio hace presente a esa Embajada que el Gobierno de los Estados Unidos deber asumir su

responsabilidad en casos de accidentes y emergencias, incluyendo aquellas de tipo ambiental.

El Ministerio de Relaciones Exteriores - Direcci"n de Pol!tica Especial -hace propicia la ocasi"n para reiterar a la Honorable Embajada de Estados Unidos de AmQrica las seguridades de su mas alta y distinguida consideraci"n.

Santiago, 21 de diciembre, 2005.

REPUBLIC OF CHILE Ministry of Foreign Relations
No. 19721

The Ministry of Foreign Relations - Directorate of Special Policy - presents its compliments to the Honorable Embassy of the United States of America and has the honor to acknowledge receipt of its Note Nx 329, announcing transit through the Strait of Magellan of the motor vessel "Blue Marlin," transporting a Sea Based X Band Radar (SBX-1), which will not be in operation during transit.

In this regard, the Ministry is pleased to inform that transit of this equipment does not raise any objections from the competent national authorities. Also, the Directorate of Special Policy takes the liberty to affirm that while the aforementioned equipment is on board the vessel Blue Marlin its status as property of the Government of the United States of America is recognized and, therefore, enjoys jurisdictional immunity.

Likewise, the Chilean Navy informs that it has arranged to grant the appropriate facilities, including pilotage in the Strait of Magellan and a naval escort in the same zone.

Furthermore, the Ministry points out to the Embassy that the Government of the United States must take responsibility in case of accidents and emergencies, including those of an environmental nature.

The Ministry of Foreign Relations - Directorate of Special Policy - avails itself of this opportunity to renew to the Honorable Embassy of the United States of America the assurances of its highest and most distinguished consideration.

Santiago, December 21, 2005.

End Text
KELLY